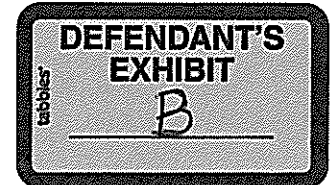


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-11924-RGS

IAN J. BROWN, JAMES BROWN and)
BARBARA BROWN,)
Plaintiffs)
v.)
UNITED STATES OF AMERICA,)
VERIZON NEW ENGLAND, INC. and)
BOSTON EDISON COMPANY d/b/a NSTAR)
Electric,)
Defendants)



AFFIDAVIT OF DANIEL J. ROCHE

I, Daniel J. Roche, hereby depose and say as follows:

1. My name is Daniel J. Roche. I am currently employed by NSTAR Electric & Gas Corporation as Manager of Claims for several NSTAR companies including Boston Edison Company;
2. I make this affidavit based upon my personal knowledge and based upon my review and examination of the records of Boston Edison Company as they are maintained in the ordinary course of business;
3. Pole Number 16/37 was installed by Boston Edison Company in 1916 along the side of Hartwell Road, Bedford, Massachusetts.
4. Boston Edison Company replaced pole 16/37 in 1929, 1954 and 1964 in the ordinary course of its business.

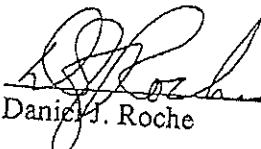
5. It is Boston Edison's policy and practice to design, engineer and construct or install poles such as pole 16/37 in accordance with the National Electrical Safety Code.

6. Boston Edison has no knowledge of, has no records of and has never been notified of pole 16/37 being struck or damaged prior to January 4, 2002. Furthermore, Boston Edison has no knowledge of, has no records of and has never been notified that pole 16/37 has been struck or damaged since January 4, 2002.

7. There are over 409,000 overhead electric poles that are either jointly or solely owned in the electric service territory.

8. The utility pole at issue is jointly owned by Boston Edison and Verizon pursuant to a Joint Ownership Agreement between them. Pursuant to this Agreement, Boston Edison is responsible for the maintenance of the pole. Each of the attaching parties is responsible for the maintenance of their own attachments.

Signed under the pains and penalties of perjury this 14th day of March 2007.


Daniel J. Roche